



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

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FOR IMMEDIATE RELEASE

FEDERAL CHARGES ALLEGE ILLEGAL USE OF DRUG TO POISON WILDLIFE

SPRINGFIELD, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that two corporations along with three employees in Barton County and a Greene County farmer were charged in three separate informations filed in federal court today, the result of an investigation into the large number of deaths of red-tailed hawks, owls and other wildlife.

Donald E. Smith, 54, of Greene County, Mo., was charged with killing 10 migratory birds. **Rice's Feed Service, Inc.**, and **MFA Agri-Services, Inc.**, both Missouri corporations in Lamar, Mo.; **Marshall Miller**, 25, an employee of Rice's Feed Service; **Bert Phipps**, 24, and **Lynton Hickman**, 37, both employees of MFA Agri-Services, all of Lamar, Mo.; were each charged with selling an animal drug while knowing that it was intended to be used for euthanizing birds, in a manner inconsistent with its labeling.

Graves explained that Warbex, an animal drug used to treat grubs on cattle, is sometimes misused as a poison to kill "nuisance birds" such as sparrows or grackles. Although the practice is illegal, Graves said, farmers sometimes mix Warbex with grain or corn and put it out in a field to kill the birds. Unfortunately, those birds are often eaten by hawks, owls and even eagles, which then die as a result of the poison.

Famphur, the animal drug sold commercially by Schering Plough Animal Health Corporation under the trade name of Warbex, was approved by the Food and Drug Administration as a pour-on treatment of cattle for cattle grubs and cattle lice. Any other use, Graves said, is a violation of federal law.

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WARBEX
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An information filed in federal court in Springfield today alleges that **Smith**, without being permitted to do so by regulation as required by law, killed the following migratory birds: seven red-tailed hawks, one Cooper's hawk, one northern cardinal, and one white-crowned sparrow.

A separate information filed in federal court in Springfield today alleges, in two counts, that **Rice's Feed Service**, and **Miller** sold Warbex to an individual on March 12, 1999 and again on March 9, 2000, after advising that individual on the use of the drug for the unapproved purpose of euthanizing birds.

A separate information filed in federal court in Springfield today alleges that **MFA Agri-Serices, Inc.**, and **Phipps** sold Warbex to an individual on March 12, 1999, after advising that individual on the use of the drug for the unapproved purpose of euthanizing birds. Count Two of that information alleges that **MFA Agri-Serices, Inc.**, and **Hickman** sold Warbex to an individual on March 9, 2000, after advising that individual on the use of the drug for the unapproved purpose of euthanizing birds.

Graves cautioned that the charges contained in the three separate informations are simply accusations, and not evidence of guilt. Evidence supporting the charges must be presented to a federal trial jury, whose duty is to determine guilt or innocence.

The case was investigated by the Food and Drug Administration and the U.S. Fish and Wildlife Service.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at
www.usdoj.gov/usao/mow